


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

WALID JAMMAL, <i>et al.</i> ,	)	CASE NO. 1:13 CV 437
	)	
Plaintiffs,	)	
	)	
v.	)	JUDGE DONALD C. NUGENT
	)	
AMERICAN FAMILY INSURANCE	)	
GROUP, <i>et al.</i> ,	)	<u>MEMORANDUM OPINION</u>
	)	<u>AND ORDER</u>
Defendants.	)	
	)	

This case is before the Court on Plaintiffs' Motion to Continue to Stay this Case Pending the Filing and Disposition of a Petition for Writ of Certiorari. (ECF #339). Defendants oppose the request for stay and requests that this Court issue judgment in their favor. (ECF #338, 341). Plaintiffs filed a Reply in support their Motion to Continue Stay. (ECF #342). This Court previously permitted Defendants to file an interlocutory appeal pursuant to 28 U.S.C. §1292(a)(1), on the issue of the Plaintiffs' employment status. Defendants did so, and the Sixth Circuit Court of Appeals ruled in favor of the Defendants, finding that the Plaintiff agents were independent contractors and not employees for purposes of ERISA. This finding materially

affects the outcome of this case, but is not a judgment and does not mandate the issuance of a final judgment in favor of the Defendants. The case has been remanded to this Court for further proceedings consistent with the Sixth Circuit's findings.

Contrary to Defendants contention, as there has not yet been any final judgment rendered by any court in this case, this Court does have jurisdiction to institute a stay, and need not satisfy the same requirements the Supreme Court considers when determining for itself whether to do so. Plaintiffs believe that the Sixth Circuit's ruling created a circuit split on the standard of review to be applied in employment cases and now intend to file a petition for certiorari to the United States Supreme Court. Because this issue will be fully determinative of the case; because this Court recognizes that there are arguments and evidence to support both outcomes; and because a stay would not cause undue hardship to any party, this Court finds that it is justified. This case is, hereby stayed pending a decision by the United States Supreme Court on the Plaintiffs' petition for a writ of certiorari. IT IS SO ORDERED.

  
DONALD C. NUGENT  
United States District Judge

DATED: April 30, 2019